

Summary of Proposed Revisions to the San Diego County Code,  
Title 8, Division 1

**TITLE 8**

**ZONING AND LAND USE REGULATIONS**

**DIVISION 1. SUBDIVISION OF LAND**

Chapter 1, General Provisions and Definitions: **1)** Add a section describing the purpose of the division, **2)** add definitions for "adjustment restriction easement," "CEQA" (California Environmental Quality Act), "DEH" (Department of Environmental Health), "Director DEH," "Director DPW," "Director DPR," "DPLU" (Department of Planning and Land Use), "DPR" (Department of Parks and Recreation), "DPW" (Department of Public Works) and "feasible," **3)** revise definitions for "adjustment plat," "average daily trips" (ADT), "basis of bearings," "bicycle route," "cable television lines," "certificate of compliance," "County fire official," "designated remainder parcel," "Director," "lease," "lot," "parcel map," "road," "SMA" (Subdivision Map Act), "street," "subdivision," "through lot," **4)** delete as unnecessary, definitions for "advisory agency," "agricultural subdivision," "bicycle," "California Coordinate System," "Department," "improvement," "lease project," "master parcel plan," "minimum water supply," "nontitle information," "notice of violation" and "subdivider," **5)** revise section relating to involuntary merger of contiguous parcels, **6)** add sections relating to advisory agency and fire safe regulations and **7)** renumber, cleanup and clarify existing provisions.

Chapter 2, Fees and Deposits: Renumber, cleanup and clarify existing provisions.

Chapter 3, Procedures for Major Subdivisions: **1)** Rename the chapter from "Major Subdivision -- Procedures," **2)** clarify that a tentative map shall be filed with the Director DPLU ("Director"), **3)** modify the section relating to onsite wastewater systems to provide that a tentative map proposing an onsite wastewater treatment systems requires the Director DEH to determine whether the system is feasible for each proposed lot rather than requiring compliance with the Septic Tank Ordinance and a percolation test, **4)** clarify the Planning Commission's authority and duties for a tentative map and add a requirement that the Planning Commission as part of its investigation of a map and proposed improvements, obtain and review recommendations from the appropriate fire official about fire control measures, improvements and compliance with fire safe regulations, **5)** revise the provision relating to phased final maps authorizing the decision making body to determine the order of phased final maps and requiring a subdivider to file each phased final map sufficiently before the tentative map expiration date to

allow the Board to schedule a hearing and approve the map before the tentative map expires, **6)** revise the provision relating to waiver or modification of regulations to limit approval of a waiver or modification or waiver to circumstances which would not result in an inconsistency with the County General Plan, the Zoning Ordinance, any federal, State or local law or regulation and increase the County's risk of tort liability, **7)** revise the provision relating to a tentative map extension to add that when a tentative map is extended pursuant to Government Code section 66452.6(a)(1), the extension shall not include any time period when the subdivision is subject to a development moratorium, **8)** add a requirement that a subdivider applying to stay a tentative map expiration date due to litigation shall provide detailed information about the litigation, the length of the stay requested and the reasons for the stay request, **9)** add a provision authorizing the Director to approve the request to stay a tentative map expiration date due to litigation for up to five years, **10)** delete the provision providing conditions for granting an extension for an expired tentative map, **11)** add a provision authorizing the Director to refer a request for a tentative map modification or extension or a revised tentative map directly to the Planning Commission for a decision, rather than the Director making a preliminary decision on the application and **12)** renumber, cleanup and clarify existing provisions.

Chapter 4, Requirements for Major Subdivisions: **1)** Rename the chapter from "Major Subdivisions -- Requirements," **2)** provide that when subdivision design parameters require a property owner to relinquish vehicular access rights, the property owner shall dedicate a one foot access restriction easement to the County running the entire width of the lot fronting on a private road easement and for relinquishment of access rights to a public road, the property owner shall provide a "relinquishment of access rights" on the final map, **3)** add qualifying language to the provision that side lines of each lot shall be at approximately right angles or radial to the road on with the lot fronts with a maximum deviation of up to 10 degrees for the side lines of lots, that it shall be "for a minimum distance of 1/3 of the lot depth," **4)** add qualifying language to the provision that a lot depth shall be designed so that the lot is at least 90 feet deep so that, "the average lot depth, excluding areas encumbered by any open space, drainage, flood control or right-of-way easement," shall not be greater than three times the lot width, **5)** modify the provision requiring a minimum unobstructed access to sunlight for each lot by eliminating the exceptions to the requirement, **6)** add a requirement that no lot shall be subdivided by a road, **7)** add a provision requiring a subdivision to be designed so that a street or road easement providing access to a parcel located on a subdivision boundary shall not terminate in a cul-de-sac when it is feasible for the street or road easement to serve as a through street connecting the subdivision to a street in an existing or proposed adjacent subdivision and if there is no street on the adjacent property, the street or road easement shall be designed to allow a connection to an adjacent property should the adjacent property be developed in

the future, **8)** add an additional condition, that access in a non-urban development area, may be provided by on-site or off-site private road easements at least 40 feet wide in accordance with San Diego County Standards for Private Road only if the Director DPW determines, both that the road will ultimately serve no more than an estimated 100 average daily trips and will not feasibly provide a current or future connection to another public road or subdivision, and if the Director DPW is unable to make the determination, the access shall be provided by public roads dedicated in accordance with San Diego County Standards, **9)** provide an alternate to the requirement to establish a permanent road division for private roads that are subdivision access roads, by allowing the subdivider to enter into a private road maintenance agreement with the County that requires the subdivider to perform maintenance on the roads in perpetuity, with a covenant that runs with the land and is enforceable against all subsequent land owners, **10)** require a subdivider to install supplemental sewer improvements and dedicate the improvements to the public, when subsequent development will need to connect to the subdivider's improvements in order to connect to a County sanitation district or County sewer maintenance district's facilities, and the public will benefit, **11)** require a subdivider to install supplemental flood control improvements: **A)** when the property is located in certain areas, **B)** other properties in the vicinity will be required to connect to the subdivider's improvements when they are developed, **C)** requiring the subdivider to install supplemental improvements will facilitate future connections from other properties to flood control facilities and **D)** the supplemental improvements will result in a public benefit, **12)** provide that the County will enter into a reimbursement agreement with a subdivider required to install supplemental sewer or flood control improvements, **13)** require that the subdivider shall have a licensed surveyor or registered civil engineer set the required monuments at the time of the survey for the final map or parcel map and before the subdivider records the final map or parcel map, **14)** provide that where the location where a monument should be set is inaccessible, allow a licensed surveyor or registered civil engineer determine an appropriate offset, with the Director DPW's approval, **15)** delete the provision that allows improvement security in the form of a corporate guarantee and **16)** renumber, cleanup and clarify existing provisions.

Chapter 5, Final Map Requirements: **1)** Specify what additional survey and map information a subdivider is required to place on the final map when required as a condition of a tentative map, including building setback lines, flood hazard zone lines, seismic lines and setbacks, limits of proposed street widening, approximate slope and drainage facility lines, geologic mapping, archaeological sites, solar notes, percolation certificates, soil notes, inundation lines and drainage swale lines, **2)** provide that in lieu of filing a final map, a subdivider may file a parcel map for a major subdivision described in Government Code section 66426(a), (b), (c), (d) or (e), unless the SMA requires otherwise, and further provide that the

parcel map shall comply with the requirements of chapter 8 of this division, **3)** add findings the Director must make in order to approve a certificate of correction or an amending map, **4)** move to chapter 5 from chapter 6, provisions relating to waiver of tentative and final subdivision maps for condominium projects on a single parcel and for mobilehome park conversion projects and **5)** renumber, cleanup and clarify existing provisions.

Chapter 6, Procedures for Minor Subdivisions: **1)** Rename the chapter from "Minor Subdivisions -- Procedures," **2)** specify information an applicant is required to provide with an application for a minor subdivision, **3)** change the provision that no application for a tentative parcel map proposing an onsite wastewater system shall be accepted for processing without DEH's approval of the system to provide that no tentative parcel map proposing that system shall be approved without DEH's certification of the system, **4)** delete provisions relating to evapotranspiration type sewage systems, **5)** delete provisions relating to refiling an expired tentative parcel map, **6)** add a requirement that the Director as part of the Director's investigation of a tentative parcel map and proposed improvements, obtain and review recommendations from the appropriate fire official about fire control measures, improvements and compliance with fire safe regulations, **7)** add a provision that would require the Director to disapprove a tentative parcel map when the Director finds that the proposed subdivision would not comply with applicable fire safe regulations, **8)** add a provision that a request to waive or modify a regulation for a tentative parcel map shall be heard concurrently with the tentative parcel map application, **9)** add a provision that land conveyed to or from a government agency, public entity, public utility or subsidiary of a public utility shall not be required to submit a parcel map unless there is substantial evidence that public policy necessitates a parcel map, **10)** add a requirement that a subdivider applying to stay a tentative parcel map expiration date due to litigation shall provide detailed information about the litigation, the length of the stay requested and the reasons for the stay request and **11)** renumber, cleanup and clarify existing provisions.

Chapter 7, Minor Subdivision Requirements: **1)** Add requirements identical to proposed changes **2-6** referred to in the proposed revisions to Major Subdivision Requirements in chapter 4, **2)** add a requirement identical to proposed change **7** in chapter 4, limited to Rural Development Areas, **3)** add a requirement identical to proposed changes **8-9** in chapter 4, **4)** provide that the Director DPW may require the subdivider to post security of the same type as required in chapter 4, except that a subdivider shall not post corporate bonds for security unless the amount of the security exceeds \$25,000, **5)** delete the provision allowing a covenant not to oppose a road improvement district to be posted as security for improvements, **6)** add a provision that the County shall only grant a waiver of payment of estimated taxes or special assessments after determining there are no delinquent taxes on the

property to be subdivided and 7) renumber, cleanup and clarify existing provisions.

Chapter 8, Parcel Map Requirements: 1) Require DEH recertification of an onsite wastewater system when the subdivider changes the design or location of onsite wastewater treatment systems from the design or location DEH previously certified as feasible, 2) require a parcel map to identify and label a lot shown on the map which is subject to flooding due to a one percent chance flood event from a tributary watershed of 25 acres or more and 3) renumber, cleanup and clarify existing provisions.

Chapter 9, Lot Line Adjustments: 1) Rename the chapter from "Adjustment Plats," 2) delete provisions relating to evapotranspiration type sewage systems, 3) add a provision that the County shall only grant a waiver of payment of estimated taxes or special assessments after determining there are no delinquent taxes on the property for which a lot line adjustment is requested, 4) renumber, cleanup and clarify existing provisions.

Chapter 10, Requirements for Environmental Subdivisions: 1) Delete existing chapter 10 entitled, "Boundary Surveys," as unnecessary, 2) relocate chapter 14 of this division to chapter 10, 3) rename chapter from "Environmental Subdivision," to "Requirements for Environmental Subdivisions, 4) change the definition of the term "environmental subdivision" to match the definition in Government Code section 66418.2, 5) delete as unnecessary restatement of Government Code sections 66418.2(b) through 66418.2(f), 6) require a tentative parcel map for an environmental subdivision, 7) require a parcel map if the tentative parcel map for the environmental subdivision is approved, unless the subdivider obtains a waiver of a parcel map as provided in chapter 6 and 8) renumber.

Chapter 11, Notices of Violation, Certificates of Compliance, Voluntary Merger and Remand of Access Right: 1) Rename chapter from "Miscellaneous Enforcement -- Penalty -- Certificate of Compliance --Remand of Access Rights," 2) provide an appeal procedure for a person who is denied or issued conditional approval of a permit to develop property, that is alleged to have been divided illegally, when the County Code or other County ordinance does not provide an appeal procedure, 3) specify the information an applicant for a certificate of compliance shall provide with the application, 4) establish a procedure for issuance of conditional certificates of compliance, 5) establish a procedure pursuant to Government Code section 66499.20 <sup>3</sup>/<sub>4</sub> for voluntary merger of contiguous parcels under common ownership, without reverting to acreage, 6) revise the appeal procedure for denial of an application to remand relinquishment of access rights, to provide for an appeal to the Planning Commission rather than the Board and 7) renumber, cleanup and clarify existing provisions.

Chapter 12, Vesting Tentative Maps: **1)** Delete the provision that vesting tentative maps shall only apply to residential subdivisions, **2)** provide that a vesting tentative map shall expire 36 months after its approval date unless the map is extended and **3)** renumber, cleanup and clarify existing provisions.

Chapter 13, Development Agreements: **1)** Rename the chapter from "Public Benefit Agreements," **2)** add a provision that allows a person actively processing a development not to have to follow the threshold procedure in the chapter, **3)** add a provision that the County will conduct an annual review of the progress of the applicant or the applicant's successor in complying with the terms of the development agreement, with the burden on the applicant or the successor, to show good faith compliance with the terms of the agreement, **4)** add a provision that the agreement shall provide that if the County finds and determines the applicant or the successor is not in substantial compliance with the agreement, the County may terminate or modify the agreement, **5)** add a requirement that the applicant shall provide the County with 30 days written notice of a proposed successor, and if the County determines the successor is not suitable, the County may reject the proposed successor and give the applicant the option of choosing a new successor or terminating the agreement, **6)** add an additional requirement the Planning Commission must find to recommend approval of a development agreement to the Board, which provides that if a proposed development agreement includes a subdivision, the proposed agreement provides that any tentative map prepared for the subdivision will comply with Government Code section 66473.7 and **7)** renumber, cleanup and clarify existing provisions.

Summary of Proposed Revisions to San Diego County Code  
Section 65.107(g)(7) through (15)

In subsections (g)(7) and (8) change the term "boundary adjustment" to "lot line adjustment", add the term "conditional certificate of compliance," change the reference from section 81.902.2 to section 81.901 et seq., change the reference from section 81.1105.1 to section 81.1103 and add section 81.1104. In subsections (g)(11), (12), (13), (14) and (15), change the reference from section 81.207(d) to section 81.201 et seq.

Summary of Proposed Revisions to San Diego County Administrative Code  
Sections 362.1(a), 362.2(a) and 362.3(a)

Change the term "Authority" to the term "Cross Reference" and change all references to various sections of Title 8, Division 1 to section 81.201 et seq.